



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

June 29, 2005

SUBJECT: **2005-0458 – Dave Khuu** [Applicant] **John J. Costello, Trustee and Et Al** [Owner] Application on an approximately 2 acre site located at **270 Java Drive** (near Geneva Drive) in an MP-TOD (Moffett Park Transit Oriented Development) Zoning District (APN: 110-33-030)

Motion: **Special Development Permit** to allow a for a chiropractic office within an existing retail center (Moffett Plaza).

REPORT IN BRIEF

Existing Site Conditions Commercial Shopping Center

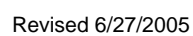
Surrounding Land Uses

North	Industrial
South	Industrial
East	Industrial
West	Industrial

Issues Parking

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Moffett Park Specific Plan	Same	Moffett Park Specific Plan
Zoning District	MP-TOD	Same	MP-TOD
Lot Size (s.f.)	85,500	Same	22,500 min.
Gross Floor Area of Center (s.f.)	18,159	Same	With SDP
Gross Floor Area of Tenant Space (s.f.)	N/A	1,426	With SDP
Lot Coverage (%)	21.5%	Same	45% max.
No. of Buildings On-Site	1	Same	---
Total Landscaping	23,400	Same	17,100 min.
Parking			
• Total No. of Spaces	123	Same	101 min.
• No. of Standards	118	Same	96 min.
• No. of Accessible	5	Same	5 max.

ANALYSIS**Description of Proposed Project**

The proposed project is for a new chiropractic office within an existing shopping center. Medical office uses within the MP-TOD (Moffett Plan Transit Oriented Development) are required to obtain a Special Development Permit prior to operation. The office use will be open during typical business hours.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2004-0514	Application for a Take Out restaurant	Miscellaneous Plan Permit/ Withdrawn	10/4/04
2003-0864	New Fitness Facility	Miscellaneous Plan Permit/ Approved	11/11/03

File Number	Brief Description	Hearing/Decision	Date
2002-0150	Outdoor Seating for existing restaurant	Miscellaneous Plan Permit/ Approved	2/20/02
2001-0817	New Restaurant	Use Permit/Approved	4/17/02
2001-0734	To allow different square footage for second restaurant.	Staff level - Approved	12/3/01
1990-0193	Allow Restaurant in an existing shopping center and Variance for parking.	Use Permit/Denied	7/25/90
1983-0142 V-80-68	Allow expansion of the area of the second restaurant with Variance for parking.	Planning Commission Approved	9/12/83
1979-0129	Retail Center	Use Permit	7/9/79

The above table includes projects related to the entire retail center and not just the tenant space involved with this application.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use for existing facilities.

Special Development Permit

Site Layout: The retail center is located on the southwest corner of Java and Geneva Drives. A parking area is located in front of the building. The proposed 1,426 square foot office use will be located at the eastern end of the center (see Attachment 3, Site Plan). The existing shopping center contains a mix of uses including office, retail services and restaurants.

Architecture: The existing retail building was built in 1980. There are no proposed exterior changes to the building with this project.

Landscaping: The site meets landscaping standards as noted in the "Project Data Table". No modifications are proposed with this project.

Parking/Circulation: The retail center, Moffett Plaza, exceeds the required parking for shopping center uses of less than 20,000 sq. ft., providing 123 spaces where 101 are required. Previous requests for a Use Permit for restaurant uses have necessitated the need to examine the percentage of the

various types of uses on site. Due to this high percentage of restaurant uses (45%), the actual demand for parking is much higher than a typical shopping center. The proposed chiropractic office use would be the only medical use for the center (Other types of office use exist within the center). The rate for a medical office use (1 space per 225 s.f.) is less intensive than the permitted retail rate of 1 space per 180 s.f. Therefore, staff finds that the center has sufficient parking capacity for the proposed use.

Compliance with Development Standards/Guidelines: The site meets current standards for landscaping and parking spaces. No further upgrade is recommended at this time. The requirement to obtain a Special Development Permit within Moffett Park Specific Plan area is intended to attract higher intensity office uses. Staff is supportive of this application as it is appropriately located within an established retail center.

Expected Impact on the Surroundings: The proposed chiropractic office should have no significant impact to the center and surrounding uses. As noted in the "Parking" section of this report, the proposed medical office use is less intensive than a typical retail use permitted for the site.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 14 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Special Development Permit with the attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

Recommendation

Recommend Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Applicant's Project Description and Justifications

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element Policy N1.2 - *Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.*

Land Use and Transportation Element Goal C4 - *Sustain a strong local economy that contributes fiscal support for desired city services and provides a mix of jobs and commercial opportunities.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project is appropriately located within a commercial center that contains a mix of uses and provides adequate parking.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the proposed medical office use will not impact adjacent commercial uses. No alterations to the buildings on site or existing landscaping are proposed with this project.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- C. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

2. RECYCLING AND SOLID WASTE

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

Written Description of the Project

The current planned Project is to set up a Chiropractic office at the corner suite in the Moffet Plaza. The address is 270 E. Java Drive Sunnyvale Ca 94089. The former tenant for this location was Kudonet a school for IT business and would be an excellent conversion location for a chiropractic office.

Special Development Permit Justifications

2. A chiropractic office in 270 E. Java Drive will keep the general appearance of the proposed structures and the uses will not impair either the orderly development of , or the existing uses being made of , the adjacent properties. Currently in the complex there are, the following stores Curves, Java Sushi, Java Café, Armerco Wines, Java Cleaners, and a hair salon. A Chiropractic office in this plaza will add greater business diversity to the surrounding business. These are retail and service businesses in the complex and also there is ample parking for all the shops.